

REMARKS

The Office Action mailed on April 21, 2005 has been carefully considered and the Examiner's remarks are appreciated. Claims 4-8 and 12-14 have been canceled, and claims 1, 2, 8 and 10 have been amended. Therefore, claims 1-3, 9-11, and 15 are presented for examination, with support for the amendments found in the Specification, Claims, and Drawings. In response to the Office Action, Applicants respectfully request reconsideration of the rejected claims in view of the above amendments and the following remarks.

Discussion of Objections to Drawings and Specification

The Examiner objected to the drawings because of reference character 116, and because the drawings are informal. Applicants have submitted formal drawings in compliance with 37 CFR 1.121 (d), which include reference character 116. Applicants therefore request that the objection to the drawings be withdrawn.

The Examiner also objected to the disclosure due to several informalities. Appropriate corrections have been made.

Discussion of Rejections under 35 USC §102(b)

In the Office Action, the Examiner rejected claims 1-3, 9-10, and 15 under 35 U.S.C. 102(b) as being anticipated by Wiley. Independent claim 1 has been amended to clarify the distinctions from the prior art as follows:

"a baffle assembly adapted to span a width of the gap between the leading and trailing portions so as to impede cross-flow through the gap, the baffle assembly comprising a first vertical panel adapted to be mounted to the leading portion and a second vertical panel adapted to be mounted to the trailing portion, so that said first and second vertical panels are parallel to each other with overlapping planar sections capable of sliding in parallel relative to each other and ~~having means~~ for automatically adjusting the span of the baffle assembly for variations in the gap width when the leading and trailing portions pivot relative to each other."

And independent claim 9 has been similarly amended. The above amendment substantially incorporates the limitations originally presented in claim 4, i.e. the overlapping sections of the first and second vertical panels in sliding engagement with each other, and further includes the particular parallel arrangement of the two panels and the parallel sliding therebetween as shown in the figures.

Applicants respectfully submit that these amended limitations are not disclosed, taught, or otherwise suggested by Wiley, contrary to the Examiner's assertions. In his reasons for rejecting claim 4, the Examiner stated that in Wiley, *"the flexible membrane interface with the nose of the panel that the membrane is not directly attached to is deemed to define an overlapping section as broadly claimed. Additionally, the wiping of the membrane past the nose is deemed to define sliding engagement as broadly claimed."* However, Figure 8A clearly does not show any "overlapping planar sections" between the member and the nose of the panel to which the membrane is not directly attached. Rather, they are shown serially arranged. Furthermore, column 4, lines 42-48 also does not discuss any such "overlapping planar sections." Column 4, lines 42-48 merely states that the flexible membrane *"wipes past the nose section of the opposing vortex stabilizer..."* which can simply suggest a point contact or

even no contact at all. Clearly this wiping action does not disclose, teach, or suggest a parallel sliding operability of two parallel panels relative to each other as required by the claims.

The Examiner rejected claims 1-3, and 9-11 under 35 U.S.C. 102(b) as being anticipated by Schreiber. Similar to the afore-mentioned arguments, Applicants respectfully submit that amended independent claims 1 and 9 are clearly distinguished from Schreiber as well. In particular, Figure 3 of Schreiber shows hinge joints 34 connecting adjacent panels, with overlapping curved sections forming the hinge joints. While certainly sliding is present in the operation of the Schreiber apparatus, adjacent panels are clearly not arranged in parallel, as shown in Figure 3. Nor do the Schreiber panels slide in parallel relative to each other for automatic adjustment of the assembly to compensate for variations in the gap width. Thus Applicants request that the 102-based rejections be withdrawn. Applicants also respectfully submit that the rejections to claims 2, 3, 10, 11, and 15 should also be withdrawn, as those claims are also now allowable as dependent on allowable base claims 1 or 9.

Summary

Having amended the claims and/or overcome Examiner's rejections as discussed above, Applicant respectfully submits that claims 1-3, 9-11, and 15 are in condition for allowance. Applicants respectfully request allowance of claims 1-3, 9-11, and 15.

In the event that the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, he is respectfully requested to initiate the same with the undersigned at (925) 422-7274.

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Respectfully submitted,

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